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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,668

11/25/2003

Herwig Schretter

P/3453-12

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08/11/2006

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EXAMINER

COOLMAN, VAUGHN

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/722,668	<b>Applicant(s)</b> SCHRETTTER, HERWIG	
	<b>Examiner</b> Vaughn T. Coolman	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-19 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant is advised that the new examiner of record is Travis Coolman to whom all further correspondence should be directed. Contact information can be found in the "Conclusion" section of this correspondence.

#### ***Claim Objections***

Claim 6 is objected to because of the following informalities: applicant appears to have neglected to strike the word "positioned" from the claim. As recited, the claim does not make sense. For purposes of examination, and as best understood by the examiner, the word "positioned" has been ignored and the word "fixed" has been given the patentable weight.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 13 and 17, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godde et al (U.S. Patent No. 6,848,703 B2) in view of Piegay (U.S. Patent No. 5,836,604).**

[**claim 1**] Godde discloses (see all FIGS, esp. FIG 13) a sliding board (1) comprising: at least one guide element (18, 19) for arranging additional elements on the upper side of the sliding board, said guide element being connected to the sliding board via a plurality of fastening elements (Column 5, lines 63-67), the sliding board having an upper skin (4) and a lower skin (5), a running surface (31), and a foamed core (silent); wherein the guide element is secured to at least one of the fastening elements (at 12) in a positionally fixed manner with respect to the sliding board, and is secured with limited mobility in the longitudinal direction of the sliding board to at least one other fastening elements (at 13) to permit deflection of the sliding board unimpeded by said guide element (Column 6, lines 13-32).

Godde is silent as to whether the core shown in FIG 7 is a “foamed core”. Examiner notes that foamed cores are conventional in the sliding board art. Piegay teaches a sliding board (2) having an upper skin (12) and a lower skin (8), a running surface (9), and a foamed core (13). Piegay also teaches a guide element (14) connected to the sliding board via fastening elements (15). It is obvious that at least one fastening element fixing the guide element in a positionally

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fixed manner has been integrated into the foam during foaming of the core and hardening of the foam as is conventional in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sliding board shown by Godde with the fastening elements embedded in a foamed core as taught by Piegay, since such a modification would provide the advantage of eliminating the screw-type connection of other conventional skis that is subject to stripping, overtightening, and other common issues with screw-type fasteners.

**[claim 2]** Godde further shows the guide element being arranged in a positionally fixed manner in one of its end regions in the longitudinal direction.

**[claim 3]** Godde further shows said end region being that end region which lies closer to the center of the sliding board.

**[claim 4]** Godde further shows the fastening element arranging the guide element in a positionally fixed manner being firmly connected to the guide element.

**[claim 5]** Piegay further teaches the fastening element arranging the guide element in a positionally fixed manner being made in one piece with the guide element (see FIGS 2-10).

**[claim 6]** Godde further shows the other fastening element holding the guide element fixed at least in the vertical direction and in the transverse direction of the sliding board (Column 6, lines 16-21).

**[claim 7]** Godde further shows the other fastening element being anchored firmly in the sliding board, the guide element being arranged for limited movement in the longitudinal direction in relation to said other fastening elements (Column 6, lines 13-16).

**[claim 8]** It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the manner in which the at least one fastening element

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fixing the guide element in a positionally fixed manner is integrated into the foam as taught by Piegay, since such a modification would provide the same advantages as disclosed above in relation to the at least one fastening element. Furthermore, it has been held that mere duplication of the essential working parts of a device only involves routine skill in the art.

**[claim 9]** Piegay further teaches a fastening element of the guide element being anchored firmly to parts integrated into the foam by foaming of the core and hardening of the foam. Piegay does not disclose the order in which this happens. However, it would have been obvious to anchor the other fastening element prior to the foaming process in order to locate the integrated parts in the correct position relative to the guide element and sliding board. This is a common practice in multiple art disciplines wherein parts are located prior to permanent joining processes.

**[claim 10]** Godde further discloses the guide element has a receiving location (13) for the other fastening elements, which receiving location has clearances in the longitudinal direction of the sliding board for limited mobility of the guide element in relation to the sliding board.

**[claim 11]** Godde in view of Piegay discloses all of the elements of the claimed invention as described above except for the other fastening element being arranged for limited movement together with the guide element in relation to the sliding board. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sliding board shown by Godde as modified by Piegay, with the rearrangement of working parts such that the clearance, or play, providing the means for limited longitudinal movement is located on the sliding board rather than the guide element. Applicant has not disclosed that this specific arrangement as claimed solves any stated problem or is for any particular purpose, other

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than that encompassed by the embodiment of claim 1, and it appears that the invention would perform equally well in either embodiment. Therefore, the combination of Godde and Piegay in combination with routine skill in the art would teach the guide element, together with the other fastening element, being arranged for limited movement in the longitudinal direction in relation to the sliding board.

**[claim 12]** The combination would disclose the claimed invention with a simple reversal of parts wherein the receiving element of Godde (13), shown on the guide element, is integrated by foaming of the core and hardening of the foam as taught by Piegay, and the other fastening element, the screw, is located in the interior of the sliding board, arranged for limited movement on said receiving part, and attached to the guide element, rather than the screw being embedded in the sliding board and the receiving element being located on the guide element. The reasons one of ordinary skill in the art would reverse the locations of the working elements is described above in re claim 11.

**[claim 13]** Piegay teaches a receiving element (22) provided in the interior of the sliding board for a fastening element (21) being a component of a framework.

**[claim 14]** Godde further shows the receiving part (13) having a receiving opening in which the other fastening element is held in a positionally fixed manner at least in the vertical direction and in the transverse direction (Column 6, lines 16-21). The reversal of parts described in re claim 12 renders this configuration obvious to one having ordinary skill in the art at the time the invention was made.

**[claim 15]** Examiner notes that the upper skin (4) of Godde is fixed relative to the sliding board. Therefore, in addition to the other fastening element being arranged for limited

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movement in the longitudinal direction of the sliding board in the receiving opening of the receiving part, the other fastening element is arranged also for limited movement in relation to the upper skin.

**[claim 16]** Examiner notes that the upper skin (4) of Godde is fixed relative to the sliding board. Therefore, in order to achieve the longitudinal movement recited in claims 12 and 14, the opening in the upper skin must compliment and match the opening in the receiving part. This would be obvious to one having ordinary skill in the art at the time the invention was made. Therefore, the combination would disclose a clearance being provided in the longitudinal direction of the sliding board in an opening in the upper skin passed through by the other fastening element and in the receiving opening.

**[claim 17]** Godde further discloses the other fastening element being held or anchored in the receiving part in the interior of the sliding board (see in re claim 12) be snapping-in, locking, or the like.

**[claim 18]** Godde further discloses the fastening elements being arranged in openings formed in the upper skin.

**[claim 19]** Godde discloses (see all FIGS, esp. FIG 13) a sliding board (1) comprising: at least one guide element (18, 19) for arranging additional elements on the upper side of the sliding board, said guide element being connected to the sliding board via a plurality of fastening elements (Column 5, lines 63-67) which are spaced apart from each other in a longitudinal direction of the sliding board, the sliding board having an upper skin (4) and a lower skin (5), a running surface (31), and a foamed core (silent); wherein the guide element is secured to at least one of the fastening elements (at 12) in a positionally fixed manner with respect to the sliding



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board, and is secured with limited mobility in the longitudinal direction of the sliding board to at least one other fastening elements (at 13) to permit deflection of the sliding board unimpeded by said guide element (Column 6, lines 13-32).

Godde is silent as to whether the core shown in FIG 7 is a "foamed core". Examiner notes that foamed cores are conventional in the sliding board art. Piegay teaches a sliding board (2) having an upper skin (12) and a lower skin (8), a running surface (9), and a foamed core (13). Piegay also teaches a guide element (14) connected to the sliding board via fastening elements (15). It is obvious that at least one fastening element fixing the guide element in a positionally fixed manner has been integrated into the foam during foaming of the core and hardening of the foam as is conventional in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sliding board shown by Godde with the fastening elements embedded in a foamed core as taught by Piegay, since such a modification would provide the advantage of eliminating the screw-type connection of other conventional skis that is subject to stripping, overtightening, and other common issues with screw-type fasteners.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Billon et al (U.S. Patent No. 6,619,688 B2), Gatel (U.S. Patent No. 6,666,471 B2), Gorza et al (U.S. Patent No. 6,840,531 B2), and Pieber et al (U.S. Patent No. 5,431,427) teach guide elements being connected to a sliding board via a plurality of fastening elements wherein at least one fastening element is fixed relative to the sliding board, and the other fastening element allows the board to deflect independently of the guide element.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

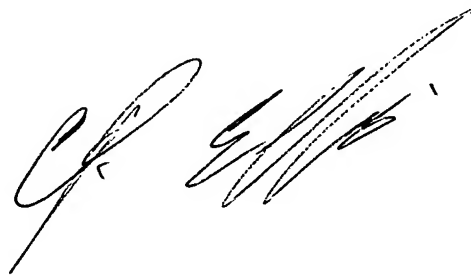
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Travis Coolman  
Examiner  
Art Unit 3618

vtc

A handwritten signature in black ink, appearing to read 'C.P. Ellis', is written over a horizontal line.

CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600